

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re:	)	
	)	Case No.: 19-10350-elf
	)	
Franklin A. Bennett III	)	Chapter 13
	)	
	)	
	)	
Debtor.	)	
_____	)	

**ORDER GRANTING CITIBANK, N.A.'S MOTION FOR  
AN ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO 11 U.S.C. § 362(d)**

Upon notice and consideration of the Motion filed by Citibank, N.A., as Trustee for the Wachovia Loan Trust, 2005-SD1 Asset-Backed Certificates, Series 2005- SD1, c/o Wells Fargo Bank, N.A. ("Citibank, N.A." or "Movant") For An Order Granting Relief From The Automatic Stay Pursuant To 11 U.S.C. § 362(d) (the "Motion"),<sup>1</sup> and after notice and an opportunity for a hearing, it is hereby

**ORDERED THAT** the Motion is **GRANTED**; and it is

1. **FURTHER ORDERED** that the automatic stay is hereby **MODIFIED** as to Citibank, N.A. and Citibank, N.A. is hereby authorized to (a) resume litigation in the action commenced by Debtor captioned *Franklin A. Bennett, III, v. Citibank, N.A., et. al.*, pending in the in the Court of Common Pleas of Chester County, Case No. 2018-12190-RC, and (b) otherwise exercise any and all *in rem* rights and remedies available to non-bankruptcy law, including but not limited to, any and all rights available under state law; and it is

**FURTHER ORDERED** that the terms of this Order shall be binding on the Debtor, his successors and assigns, and any trustee appointed in the Debtor's bankruptcy case and shall

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings set forth in the Motion.

survive the dismissal, conversion, or closing of the Debtor's bankruptcy case. <sup>\*</sup> ~~and be enforceable in any subsequent case commenced by or against the Debtor or his successors and assigns under the Bankruptcy Code and by any other court having jurisdiction over the Debtors or its successors and assigns.~~

Dated: 6/11/19



**ERIC L. FRANK**  
**U.S. BANKRUPTCY JUDGE**

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\* The motion is being granted by default. The record reflects that the Debtor filed a response, out of time, several minutes after the scheduled starting time of the hearing on the motion. Also, the debtor failed to appear at the hearing. In these circumstances, I decline to exercise my authority to consider the untimely response to the motion.